

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

LIONEL MONSANTO	:	
	:	
VS.	:	C.A. NO. 1:16-cv-00147
	:	
STATE OF RHODE ISLAND, ET AL	:	JURY DEMAND

**ANSWER OF DEFENDANT JAMES DONNELLY-TAYLOR
TO SECOND AMENDED COMPLAINT**

Now comes the defendant, James Donnelly-Taylor, and files this answer to the plaintiff's second amended complaint. As it appears that Counts I through VIII and related paragraphs 1 through 79 are identical to the plaintiff's first amended complaint, your defendant hereby incorporates his answers to those counts and paragraphs as noted in his answer to the first amended complaint.

As to the remaining counts:

COUNT IX

VIOLATION OF RHODE ISLAND GENERAL LAWS § 9-1-35

- 80. Defendant incorporates his answers to the said realleged paragraphs.
- 81. Denied.
- 82. Denied.
- 83. Denied.

COUNT X

VIOLATION OF RHODE ISLAND GENERAL LAWS § 31-21.2-3

- 84. Defendant incorporates his answers to the said realleged paragraphs.
- 85. Denied.
- 86. Denied.
- 87. Denied.

COUNT XI

CIVIL RIGHTS VIOLATIONS UNDER 42 U.S.C. § 1983

- 88. Defendant incorporates his answers to the said realleged paragraphs.
- 89. Denied.
- 90. Denied.
- 91. Denied.

WHEREFORE, defendant demands judgment against the plaintiff.

AFFIRMATIVE AND/OR OTHER DEFENSES

- 1. Defendant pleads assumption of the risk.
- 2. Defendant pleads qualified immunity.
- 3. The plaintiff's federal claims, other than those under the Fourth Amendment, fail to state a claim upon which relief can be granted.

DEFENDANT, JAMES DONNELLY-TAYLOR,
By his Attorney,

/s/ Michael J. Colucci
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CERTIFICATION

I hereby certify that I have filed the within with the United States District Court on this 9th day of August, 2016, that a copy is available for viewing and downloading via the ECF system, and that I have caused a copy to be sent to:

Robert J. Caron, Esq.
478A Broadway
Providence, RI 02909

Rebecca Tedford-Partington, Esq.
Assistant Attorney General
Department of Attorney General
150 Pine Street
Providence, RI 02903

/s/ Michael J. Colucci